

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:19-CV-185-MR-DCK**

KENNY MARTIN,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
HARRAH'S NC CASINO COMPANY, LLC, and BROOKS ROBINSON,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the status of the case, “Defendants’ Motion To Dismiss Plaintiff’s First Amended Complaint” (Document No. 5), and “Plaintiff’s Motion to Stay” (Document No. 12). This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the pending motion and the record, and in consultation with Judge Reidinger’s chambers, the Court has determined that this matter should be stayed.

After review of the pending “Defendants’ Motion To Dismiss Plaintiff’s First Amended Complaint” (Document No. 5) and associated briefs, as well as further consideration of the arguments supporting “Plaintiff’s Motion to Stay” (Document No. 12), the undersigned is persuaded that this matter should be stayed pending a decision by the United States Court of Appeals for the Fourth Circuit in the related action, Humble v. Harrah’s Casino Company, LLC, 1:17-CV-262-MR-DLH, 2018 WL 4664137 (W.D.N.C. Sept. 28, 2018) adopting 2018 WL 4576784 (W.D.N.C. June 1, 2018).

On October 30, 2019, since this Court last considered the status of this case, the Fourth Circuit heard oral arguments in Humble. As such, it is likely that an opinion from the Fourth

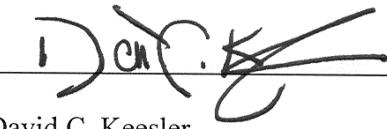
Circuit in Humble is imminent. The undersigned finds that a decision in Humble will probably be instructive in this case. Moreover, supplemental briefs by each side addressing the impact of the Fourth Circuit's decision in Humble may also assist this Court's consideration of Defendants' Motion To Dismiss....”

IT IS, THEREFORE, ORDERED that this matter is **STAYED** until otherwise ordered by the Court.

IT IS FURTHER ORDERED that counsel for the parties in this lawsuit shall confer and file supplemental briefs of five (5) pages or less **within fourteen (14) days** of a decision by the Fourth Circuit on the appeal of Humble v. Harrah's Casino Company, LLC, 1:17-CV-262-MR-DLH, 2018 WL 4664137 (W.D.N.C. Sept. 28, 2018).

SO ORDERED.

Signed: January 17, 2020



David C. Keesler
United States Magistrate Judge
